

U.S. District Court [LIVE]
Eastern District of TEXAS (Marshall)
CIVIL DOCKET FOR CASE #: 2:17-cv-00728-WCB-RSP

EMED Technologies Corporation v. Repro-Med Systems, Inc. d/b/a
RMS Medical Products
Assigned to: Judge William C. Bryson
Referred to: Magistrate Judge Roy S. Payne
Cause: 35:183 Patent Infringement

Date Filed: 11/07/2017
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Mediator

Lee Kaplan
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Plaintiff

EMED Technologies Corporation

represented by **William P Ramey , III**
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ATTORNEY TO BE NOTICED

V.

Defendant

Repro-Med Systems, Inc. d/b/a RMS
Medical Products

represented by **Christopher M. Jackson**
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Date Filed	#	Docket Text
11/07/2017	<u>I 1</u>	COMPLAINT <i>Plaintiff's Original Complaint for Patent Infringement</i> against All Defendants (Filing fee \$ 400 receipt number 0540-6542620.), filed by EMED Technologies Corporation. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A)(Ramey, William) (Entered: 11/07/2017)
11/07/2017	<u>I 2</u>	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Ramey, William) (Entered: 11/07/2017)
11/07/2017	<u>I</u>	Case Assigned to District Judge Rodney Gilstrap. (nkl,) (Entered: 11/07/2017)
11/07/2017	<u>I</u>	In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form <u>Consent to Proceed Before Magistrate Judge</u> is available on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event <i>Notice Regarding Consent to Proceed Before Magistrate Judge</i> . (nkl,) (Entered: 11/07/2017)
11/07/2017	<u>I 3</u>	SUMMONS Issued as to Repro-Med Systems, Inc. d/b/a RMS Medical Products c/o Andrew I. Sealfon. (nkl,) (Entered: 11/07/2017)
11/28/2017	<u>I 4</u>	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Repro-Med Systems, Inc. d/b/a RMS Medical Products.(Ainsworth, Jennifer) (Entered: 11/28/2017)
11/28/2017	<u>I</u>	Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Repro-Med Systems, Inc. d/b/a RMS Medical Products to 1/2/2018. 30 Days Granted for Deadline Extension.(nkl,) (Entered: 11/28/2017)
11/30/2017	<u>I 5</u>	NOTICE of Attorney Appearance – Pro Hac Vice by James G. Sawtelle on behalf of Repro-Med Systems, Inc. d/b/a RMS Medical Products. Filing fee \$ 100, receipt number 0540-6570569. (Sawtelle, James) (Entered: 11/30/2017)

11/30/2017	<u>6</u>	NOTICE of Attorney Appearance – Pro Hac Vice by Christopher M. Jackson on behalf of Repro–Med Systems, Inc. d/b/a RMS Medical Products. Filing fee \$ 100, receipt number 0540–6570571. (Jackson, Christopher) (Entered: 11/30/2017)
12/22/2017	<u>7</u>	MOTION to Dismiss <i>or Transfer Venue Under Rule 12(b)(3)</i> by Repro–Med Systems, Inc. d/b/a RMS Medical Products. (Attachments: # <u>1</u> Exhibit A – Declaration of Andrew Sealfon, # <u>2</u> Text of Proposed Order)(Ainsworth, Jennifer) (Entered: 12/22/2017)
12/29/2017	<u>8</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss <i>or Transfer Venue Under Rule 12(b)(3)</i> by EMED Technologies Corporation. (Attachments: # <u>1</u> Text of Proposed Order on Unopposed Mtn for Extension of Time)(Ramey, William) (Entered: 12/29/2017)
01/04/2018	<u>9</u>	NOTICE of Readiness for Scheduling Conference by EMED Technologies Corporation (Ramey, William) (Entered: 01/04/2018)
01/04/2018	<u>10</u>	ORDER granting <u>8</u> Motion for Extension of Time to File Response/Reply re <u>7</u> MOTION to Dismiss <i>or Transfer Venue Under Rule 12(b)(3)</i> Responses due by 2/2/2018. Signed by District Judge Rodney Gilstrap on 1/04/2018. (nkl,) (Entered: 01/04/2018)
01/04/2018	<u>11</u>	ORDER – Scheduling Conference set for 2/2/2018 01:30 PM before District Judge Rodney Gilstrap. Signed by District Judge Rodney Gilstrap on 1/4/2018. (nkl,) (Entered: 01/04/2018)
01/19/2018	<u>12</u>	NOTICE by EMED Technologies Corporation of <i>Compliance with P.R. 3–1 and P.R. 3–2</i> (Ramey, William) (Entered: 01/19/2018)
01/23/2018	<u>1</u>	NOTICE of Hearing: Scheduling Conference RESET for 2/1/2018 01:30 PM in Ctrm 106 (Marshall) before District Judge Rodney Gilstrap. (jml) (Entered: 01/23/2018)
01/26/2018	<u>13</u>	ORDER REFERRING CASE to Magistrate Judge Roy S. Payne. Signed by District Judge Rodney Gilstrap on 1/26/2018. (nkl,) (Entered: 01/26/2018)
01/31/2018	<u>14</u>	NOTICE of Attorney Appearance by Matthew T Milam on behalf of Repro–Med Systems, Inc. d/b/a RMS Medical Products (Milam, Matthew) (Entered: 01/31/2018)
02/01/2018	<u>1</u>	Minute Entry for proceedings held before Judge Rodney Gilstrap: Scheduling Conference held on 2/1/2018. Counsel for the parties appeared and were asked if they consented to a trial before the United States Magistrate Judge. The Court then gave Markman and Jury Selection dates; deadlines for submitting Mediator names (3 days); and deadlines for submitting Agreed Scheduling and Discovery Orders (14 days). (Court Reporter Shelly Holmes, CSR–TCRR.)(jml) (Entered: 02/02/2018)
02/02/2018	<u>15</u>	RESPONSE to Motion re <u>7</u> MOTION to Dismiss <i>or Transfer Venue Under Rule 12(b)(3)</i> and <i>Plaintiff's Request for Immediate Venue Discovery</i> filed by EMED Technologies Corporation. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Affidavit of William P. Ramey, III, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit C–1, # <u>7</u> Exhibit C–2, # <u>8</u> Exhibit C–3, # <u>9</u> Exhibit C–4, # <u>10</u> Exhibit C–5, # <u>11</u> Exhibit C–6, # <u>12</u> Exhibit C–7, # <u>13</u> Exhibit D, # <u>14</u> Exhibit E, # <u>15</u> Affidavit of Paul Lambert)(Ramey, William) (Entered: 02/02/2018)
02/06/2018	<u>16</u>	NOTICE of Designation of Mediator, Lee Kaplan, filed by EMED Technologies Corporation. (Ramey, William) (Entered: 02/06/2018)
02/07/2018	<u>17</u>	ORDER REFERRING CASE to Mediator. Lee Kaplan is hereby appointed as mediator in the above referenced case. Signed by Magistrate Judge Roy S. Payne on 2/7/2018. (nkl,) (Entered: 02/07/2018)
02/08/2018	<u>18</u>	REPLY to Response to Motion re <u>7</u> MOTION to Dismiss <i>or Transfer Venue Under Rule 12(b)(3)</i> filed by Repro–Med Systems, Inc. d/b/a RMS Medical Products. (Ainsworth, Jennifer) (Entered: 02/08/2018)

02/08/2018)

02/15/2018	<u>19</u>	SUR-REPLY to Reply to Response to Motion re <u>7</u> MOTION to Dismiss <i>or Transfer Venue Under Rule 12(b)(3) filed by EMED Technologies Corporation.</i> (Attachments: # <u>1</u> Text of Proposed Order)(Ramey, William) (Entered: 02/15/2018)
02/15/2018	<u>20</u>	FILED IN ERROR Submission of Proposed Agreed Docket Control/Scheduling order by EMED Technologies Corporation . (Attachments: # <u>1</u> Text of Proposed Order Docket Control Order)(Ramey, William) Modified on 2/16/2018 (nkl,). (Entered: 02/15/2018)
02/15/2018	<u>21</u>	FILED IN ERROR Submission of Proposed Agreed Discovery order by EMED Technologies Corporation . (Attachments: # <u>1</u> Text of Proposed Order Unopposed Discovery Order)(Ramey, William) Modified on 2/16/2018 (nkl,). (Entered: 02/15/2018)
02/16/2018	<u>22</u>	***FILED IN ERROR – was filed using the wrong docket event. Document # 20 and 21, Submission of Proposed Agreed Docket Control/Scheduling order and Submission of Proposed Agreed Discovery order. PLEASE IGNORE.*** (nkl,) (Entered: 02/16/2018)
02/16/2018	<u>22</u>	Unopposed MOTION for Entry of Docket Control Order by EMED Technologies Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Ramey, William) (Entered: 02/16/2018)
02/16/2018	<u>23</u>	Unopposed MOTION for Entry of Discovery Order by EMED Technologies Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Ramey, William) (Entered: 02/16/2018)
02/19/2018	<u>24</u>	DOCKET CONTROL ORDER re <u>22</u> Unopposed MOTION for Entry of Docket Control Order filed by EMED Technologies Corporation., Pretrial Conference set for 5/6/2019 09:00 AM before Magistrate Judge Roy S. Payne., Amended Pleadings due by 8/16/2018., Jury Selection set for 6/3/2019 09:00AM before District Judge Rodney Gilstrap., Mediation Completion due by 11/29/2018., Markman Hearing set for 11/1/2018 09:00 AM before Magistrate Judge Roy S. Payne., Motions in Limine due by 4/15/2019., Proposed Pretrial Order due by 4/29/2019. Signed by Magistrate Judge Roy S. Payne on 2/19/2018. (nkl,) (Entered: 02/20/2018)
02/19/2018	<u>25</u>	DISCOVERY ORDER re <u>23</u> Unopposed MOTION for Entry of Discovery Order filed by EMED Technologies Corporation.. Signed by Magistrate Judge Roy S. Payne on 2/19/2018. (nkl,) (Entered: 02/20/2018)
02/20/2018	<u>26</u>	NOTICE by EMED Technologies Corporation of <i>Certificate of Interested Persons</i> (Ramey, William) (Entered: 02/20/2018)
02/22/2018	<u>27</u>	Unopposed MOTION for Entry of Stipulated Protective Order for Patent Cases by EMED Technologies Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Ramey, William) (Entered: 02/22/2018)
02/25/2018	<u>28</u>	STIPULATED PROTECTIVE ORDER – granting <u>27</u> Agreed Protective Order. Signed by Magistrate Judge Roy S. Payne on 2/25/2018. (ch,) (Entered: 02/26/2018)
02/26/2018	<u>29</u>	Opposed MOTION for Preliminary Injunction <i>Plaintiff EMED Technologies Corporation's Motion for Preliminary Injunction</i> by EMED Technologies Corporation. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Affidavit Lambert Declaration, # <u>3</u> Affidavit Ramey Declaration, # <u>4</u> Exhibit A Ramey, # <u>5</u> Exhibit B Ramey, # <u>6</u> Exhibit C Ramey, # <u>7</u> Exhibit C–1 Ramey, # <u>8</u> Exhibit C–2 Ramey, # <u>9</u> Exhibit C–3 Ramey, # <u>10</u> Exhibit C–4 Ramey, # <u>11</u> Exhibit C–5 Ramey, # <u>12</u> Exhibit

C-6 Ramey, # 13 Exhibit C-7 Ramey, # 14 Exhibit D Ramey, # 15 Exhibit E Ramey, # 16 Exhibit F Ramey, # 17 Affidavit Stoker Dec, # 18 Exhibit A Stoker, # 19 Exhibit A-1 Stoker, # 20 Exhibit B Stoker, # 21 Exhibit D Stoker, # 22 Exhibit E Stoker, # 23 Exhibit F Stoker, # 24 Exhibit G Stoker, # 25 Exhibit H Stoker, # 26 Exhibit I Stoker, # 27 Exhibit K Stoker, # 28 Exhibit L Stoker, # 29 Exhibit C Stoker, # 30 Exhibit J Stoker)(Ramey, William) (Entered: 02/26/2018)

02/27/2018	<u>30</u>	ORDER re <u>7</u> MOTION to Dismiss <i>or Transfer Venue Under Rule 12(b)(3)</i> filed by Repro-Med Systems, Inc. d/b/a RMS Medical Products. Signed by Magistrate Judge Roy S. Payne on 2/27/2018. (nkl,) (Entered: 02/27/2018)
03/02/2018	<u>31</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>29</u> Opposed MOTION for Preliminary Injunction <i>Plaintiff EMED Technologies Corporation's Motion for Preliminary Injunction</i> by Repro-Med Systems, Inc. d/b/a RMS Medical Products. (Attachments: # <u>1</u> Text of Proposed Order)(Ainsworth, Jennifer) (Entered: 03/02/2018)
03/05/2018	<u>32</u>	ORDER granting <u>31</u> Motion for Extension of Time to File Response/Reply re <u>29</u> Opposed MOTION for Preliminary Injunction <i>Plaintiff EMED Technologies Corporation's Motion for Preliminary Injunction</i> Responses due by 4/12/2018. Signed by Magistrate Judge Roy S. Payne on 3/5/2018. (nkl,) (Entered: 03/05/2018)
03/14/2018	<u>33</u>	NOTICE of Discovery Disclosure by Repro-Med Systems, Inc. d/b/a RMS Medical Products (<i>Invalidity Contentions</i>) (Ainsworth, Jennifer) (Entered: 03/14/2018)
04/04/2018	<u>34</u>	NOTICE by Repro-Med Systems, Inc. d/b/a RMS Medical Products (<i>Notice of Relevant Determination in Related Proceeding</i>) (Attachments: # <u>1</u> Exhibit A)(Ainsworth, Jennifer) (Entered: 04/04/2018)
04/12/2018	<u>35</u>	RESPONSE in Opposition re <u>29</u> Opposed MOTION for Preliminary Injunction <i>Plaintiff EMED Technologies Corporation's Motion for Preliminary Injunction filed by Repro-Med Systems, Inc. d/b/a RMS Medical Products</i> . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L – Declaration of Andrew Sealfon, # <u>13</u> Exhibit M – Declaration of George Yanulis, # <u>14</u> Exhibit 1, # <u>15</u> Exhibit 2, # <u>16</u> Exhibit 3, # <u>17</u> Exhibit 4, # <u>18</u> Text of Proposed Order)(Ainsworth, Jennifer) (Entered: 04/12/2018)
04/30/2018	<u>36</u>	RESPONSE in Opposition re <u>7</u> MOTION to Dismiss <i>or Transfer Venue Under Rule 12(b)(3)</i> <i>PLAINTIFFS SUPPLEMENTAL BRIEF IN SUPPORT OF RESPONSE TO REPRO-MED SYSTEMS, INC. (D/B/A RMS MEDICAL PRODUCTS)'S MOTION TO DISMISS OR TRANSFER UNDER RULE 12(B)(3) filed by EMED Technologies Corporation</i> . (Attachments: # <u>1</u> Exhibit A – Ex 22 to Mowder depo, # <u>2</u> Exhibit A – Mowder mini depo, # <u>3</u> Exhibit C – Fisher non-conf mini depo)(Ramey, William) (Entered: 04/30/2018)
04/30/2018	<u>37</u>	Unopposed MOTION for leave to file documents under seal re <u>36</u> Response in Opposition to Motion, <i>UNOPPOSED MOTION REQUESTING LEAVE TO FILE DOCUMENTS UNDER SEAL</i> by EMED Technologies Corporation. (Ramey, William) (Additional attachment(s) added on 5/1/2018: # <u>1</u> Text of Proposed Order) (nkl,). (Entered: 04/30/2018)
04/30/2018	<u>38</u>	DEFICIENT DOCUMENT Sealed Document. (Attachments: # <u>1</u> Exhibit 13 to Fisher depo)(Ramey, William) Modified on 5/1/2018 (nkl,). (Entered: 04/30/2018)
04/30/2018	<u>39</u>	NOTICE by EMED Technologies Corporation <i>CERTIFICATE OF INTERESTED PERSONS</i> (Ramey, William) (Entered: 04/30/2018)
05/01/2018	<u>39</u>	NOTICE of Deficiency regarding the Sealed Document submitted document <u>38</u> does not contain a Certificate of Authorization to File Under Seal per Local Rule CV-5(a)(7)(A) and does not contain

a Certificate of Service. Correction should be made by one business day. (nkl,) (Entered: 05/01/2018)

05/01/2018	<u>40</u>	Sealed Document. (Attachments: # <u>1</u> Exhibit 13 to Fisher depo)(Ramey, William) (Entered: 05/01/2018)
05/03/2018	<u>41</u>	RESPONSE to <u>7</u> Motion to Dismiss <i>DEFENDANT'S RESPONSE TO PLAINTIFF'S SUPPLEMENTAL BRIEF IN SUPPORT OF RESPONSE TO REPRO-MED SYSTEMS, INC.'S (D/B/A RMS MEDICAL PRODUCTS) MOTION TO DISMISS OR TRANSFER UNDER RULE 12(B)(3) filed by Repro-Med Systems, Inc. d/b/a RMS Medical Products.</i> (Ainsworth, Jennifer) (Entered: 05/03/2018)
05/04/2018	<u>42</u>	REPLY to Response to Motion re <u>7</u> MOTION to Dismiss <i>or Transfer Venue Under Rule 12(b)(3) PLAINTIFFS REPLY IN SUPPORT OF SUPPLEMENTAL BRIEF IN SUPPORT OF RESPONSE TO REPRO-MED SYSTEMS, INC. (D/B/A RMS MEDICAL PRODUCTS)S MOTION TO DISMISS OR TRANSFER UNDER RULE 12(B)(3) filed by EMED Technologies Corporation.</i> (Ramey, William) (Entered: 05/04/2018)
05/16/2018	<u>43</u>	ORDER granting <u>37</u> Motion for leave to file documents under seal. Signed by Magistrate Judge Roy S. Payne on 5/16/2018. (nkl,) (Entered: 05/16/2018)
05/30/2018	<u>44</u>	ORDER REASSIGNING CASE – General Order 18–08. Case reassigned to Judge William C. Bryson for all further proceedings. District Judge Rodney Gilstrap no longer assigned to case. Signed by District Judge Rodney Gilstrap on 5/30/2018. (nkl,) (Entered: 05/30/2018)
05/31/2018	<u>45</u>	NOTICE by Repro-Med Systems, Inc. d/b/a RMS Medical Products re <u>7</u> MOTION to Dismiss <i>or Transfer Venue Under Rule 12(b)(3) (NOTICE OF SUPPLEMENTAL AUTHORITY)</i> (Attachments: # <u>1</u> Exhibit A)(Ainsworth, Jennifer) (Entered: 05/31/2018)
06/04/2018	<u>46</u>	MEMORANDUM OPINION AND ORDER. Signed by Judge William C. Bryson on 6/4/2018. (nkl,) (Entered: 06/04/2018)
06/06/2018	<u>47</u>	Unopposed MOTION to Withdraw as Attorney (<i>Jennifer Ainsworth and Matthew Milam</i>) by Repro-Med Systems, Inc. d/b/a RMS Medical Products. (Attachments: # <u>1</u> Text of Proposed Order)(Ainsworth, Jennifer) (Entered: 06/06/2018)
06/06/2018	<u>48</u>	ORDER granting <u>47</u> Motion to Withdraw as Attorney. Attorney Jennifer Parker Ainsworth and Matthew T Milam terminated. Signed by Judge William C. Bryson on 6/6/2018. (nkl,) (Entered: 06/06/2018)